

U.S.S.N.: 09/020,393  
Filed: February 9, 1998  
AMENDMENT

### Remarks

The undersigned greatly appreciated the opportunity to discuss this case with the examiner on July 17, 2003. The claims have been amended as discussed to more clearly distinguish the subject matter of U.S. Patent No. 5,843,884, which is drawn to compounds binding the species-specific region of C9, such as antibodies to this region of C9, unlike the claims in this case, which are drawn to compounds mimicking the species-specific region of CD59, and anti-ID antibodies to CD59. There is no disclosure in the '884 case of the species-specific region of CD59, only of the species-specific region of C9. The '884 patent corresponds to the Chang reference, cited against the claims in this case as making obvious the claims under 35 U.S.C. 103. The Board reversed this rejection of the claims. Therefore the claims also cannot make obvious the claims in this case. Claims 1 and 10 have been amended to define the claimed compounds in the form of a Markush group, where the compound is a peptide, peptidomimetic, etc., or an anti-ID anti-CD59 amino acid residues 42-58 of SEQ ID NO:3. Reference to the sequence listing has been added to the claims to more clearly define the claimed sequences. Amino acids 359 to 384 of human C9 correspond to amino acids 26 to 51 of SEQ ID NO:14 which is now reflected in claims 1, 2, 7, 10 and 11.

Claims 1-9 define the compound that is the subject of the method of claims 10-19. Claims 20-35 have been cancelled as drawn to the subject matter of the '884 patent.

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Rejoinder of all of claims 1-19, as amended, and allowance is earnestly solicited.

Respectfully submitted,



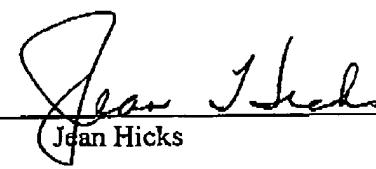
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CERTIFICATE OF FACSIMILE TRANSMISSION (37 CFR 1.8a)

I hereby certify that this AMENDMENT, along with any paper referred to as being attached or enclosed, is being facsimile transmitted to the Assistant Commissioner for Patents, Washington, D.C. 20231 on the date shown below.

Date: July 29, 2003



Jean Hicks

ATL1 #586062 v1